

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER



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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

2002 JUL 30 A 10:25

AZ CORP COMMISSION  
DOCUMENT CONTROL

DATE: July 30, 2002

DOCKET NO: E-03690A-02-0394

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Teena Wolfe. The recommendation has been filed in the form of an Order on:

ENRON ENERGY SERVICES, INC.  
(CC&N CANCELLATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

AUGUST 8, 2002

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 20 AND 21, 2002

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

Arizona Corporation Commission

DOCKETED

JUL 30 2002

DOCKETED BY	
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BRIAN C. McNEIL  
EXECUTIVE SECRETARY

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[www.cc.state.az.us](http://www.cc.state.az.us)

This document is available in alternative formats by contacting Shelly Hood,  
ADA Coordinator, voice phone number 602/542-3931, E-mail [shood@cc.state.az.us](mailto:shood@cc.state.az.us)

1                   **BEFORE THE ARIZONA CORPORATION COMMISSION**

2           WILLIAM A. MUNDELL  
            CHAIRMAN

3           JIM IRVIN  
            COMMISSIONER

4           MARC SPITZER  
            COMMISSIONER

5  
6           IN THE MATTER OF THE APPLICATION OF  
7           ENRON ENERGY SERVICES, INC. FOR  
            CANCELLATION OF ITS CERTIFICATE OF  
            CONVENIENCE AND NECESSITY.

DOCKET NO. E-03690A-02-0394

**ORDER**

8           Open Meeting  
9           August 20 and 21, 2002  
            Phoenix, Arizona

10          **BY THE COMMISSION:**

11           On August 5, 1999, in Decision No. 61873, the Arizona Corporation Commission  
12           ("Commission") granted to Enron Energy Services, Inc. ("EES") a Certificate of Convenience and  
13           Necessity ("CC&N") authorizing it to supply competitive retail electric services.

14           On May 28, 2002, EES filed an application to cancel its CC&N ("Application"). In the  
15           Application, EES stated that it does not currently serve any retail electric customers in Arizona and  
16           has no plans to do so in the future. EES stated that there are no retail electric customers in Arizona  
17           that would be affected by cancellation of its CC&N.

18           On June 14, 2002, the Commission's Utilities Division Staff ("Staff") filed a Staff Report in  
19           this docket. Staff recommends that EES' CC&N be cancelled without a hearing.

20                   \*       \*       \*       \*       \*       \*       \*       \*       \*

21           Having considered the entire record herein and being fully advised in the premises, the  
22           Commission finds, concludes, and orders that:

23                                   **FINDINGS OF FACT**

24           1.       EES is a public service corporation authorized to supply competitive retail electric  
25           services in Arizona as a Load-Serving Entity and as an Aggregator. The Commission granted EES'  
26           CC&N authorizing it to provide the above-described services in Decision No. 61873 (August 5,  
27           1999).

28           2.       EES' Application states that it does not currently serve any retail electric customers in

1 Arizona and has no plans to do so in the future. EES further stated that there are no retail electric  
2 customers in Arizona that would be affected by cancellation of its CC&N.

3 3. EES did not request that a hearing be held on the Application.

4 4. On June 14, 2002, Staff filed a Staff Report on the Application.

5 5. Staff stated that because EES has never provided retail services to Arizona customers  
6 and does not plan to offer such services in the future, granting the Application is in the public  
7 interest.

8 6. Staff recommends that the Application be approved without a hearing.

9 7. No customers will be affected by the cancellation of EES' CC&N.

10 8. Staff's recommendations in Findings of Fact No. 6 is reasonable.

11 **CONCLUSIONS OF LAW**

12 1. EES is a public service corporation within the meaning of Article XV of the Arizona  
13 Constitution and A.R.S. §§ 40-281 and 40-282.

14 2. The Commission has jurisdiction over EES and the subject matter of the Application.

15 3. Staff's recommendations in Findings of Fact No. 6 should be adopted.

16 4. The Commission may approve the Application without a hearing.

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**ORDER**

IT IS THEREFORE ORDERED that the Application of Enron Energy Services, Inc. requesting cancellation of its Certificate of Convenience and Necessity is hereby granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
BRIAN C. McNEIL  
EXECUTIVE SECRETARY

DISSENT \_\_\_\_\_  
TW:mlj

1 SERVICE LIST FOR:

ENRON ENERGY SERVICES, INC.

2 DOCKET NOS.

E-03690A-02-0394

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